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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,281	02/13/2002	Junko Ami	219178US2RD	3511
22850 7590 07/03/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER SEPCHECK, GREGORY B				
ART UNIT		PAPER NUMBER		
2619				
NOTIFICATION DATE		DELIVERY MODE		
07/03/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/073,281

Applicant(s)

AMI ET AL.

Examiner

GREGORY B. SEFCHECK

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- Applicant's Request for Continued Examination filed 4/23/2008 is acknowledged.
- Claim 3 has been amended.
- Claims 1, 2, and 5-11 were previously cancelled.
- Claims 3 and 4 remain pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 3 and 4 rejected under 35 U.S.C. 102(e) as being anticipated by Mikkonen (US006587457B1).

- In regards to Claims 3 and 4,

Mikkonen discloses a method of connecting data flows between layers while supporting quality of service (Title; Abstract). Mikkonen discloses how physically transmitted data, such as ATM, is exchanged between processing layers for realizing wireless communication between two network entities (Fig. 4A; Col. 1, lines 9-18; Col.

2-3, lines 56-20; claim 3 – method for communicating packets between communication devices having wireless interfaces via a wireless network).

Mikkonen discloses managing communications between hosts based upon labels in the header block of a packet, where labels enable determining/identifying the service class/type and quality of service requirements for the specified service (Fig. 1; Col. 1-2, lines 55-40; Col. 7-8, lines 57-61; Col. 12, lines 4-19; claim 3 – determining service class requested by packet based on the header).

Mikkonen discloses a flow label defined for a packet that identifies the application (upper) layer connection of a packet to be transmitted over a corresponding physical layer connection (Col. 1, lines 58-60; claim 3 – mapping in a host controller interface, for a packet exchanged from an upper layer to the physical layer, one of multiple connection handles identifying a respective requested service class corresponding to logical channels such that each logical channel is mapped to a corresponding connection handle).

Mikkonen further discloses the defined service classes having this correspondence between upper layer quality of service and physical connections also specify other requirements of the service, including susceptibility to distortion, bandwidth, reliability, delay, etc. (Col. 3-4, lines 61-58; Col. 8, lines 61-65; claim 3 - service class indicating a particular quality of service and including a response speed preference, transmission delay preference, distortion preference, guaranteed band area or packet type).

Mikkonen shows that packets are distributed to a particular buffer based upon the determined service, quality of service, and/or other corresponding requirements associated with information in the packet's header and flow label (Col. 12-13, lines 58-10; claim 3— distributing base band packet to one of a plurality of buffers corresponding to specified service class and connection handle depending upon determination; claim 4 — transmitting base band packet in one of plurality of buffers to another communication device corresponding to specified service class).

Response to Arguments

3. Applicant's arguments filed 3/7/2008 have been fully considered but they are not persuasive.

- In the Remarks on pg. 5-6 of the Amendment, Applicant contends Mikkonen does not disclose the flow handle 24 is utilized to map a logical channel to a respective connection handle, which in turn corresponds to a respective buffer. Applicant alleges there is no correspondence or relation between buffers, logical channels and connection handles in Mikkonen.
- The Examiner respectfully disagrees. As shown in the rejection, Mikkonen clearly establishes a mapping/correspondence between a flow label and the physical connection to be used for transport data with that flow label. This meets the limitation of "specifying....one of multiple connection handles to respective logical channels. Further, Mikkonen shows that the

flow label, as well as other items in a packet's header, is then associated with a particular buffer, meeting the buffer-connection handle correspondence limitations of the claims. The Examiner has properly shown how Mikkonen meets the claimed limitations, given their broadest reasonable interpretation in light of the specification, but without reading limitations in from the specification. Therefore, the claim rejections are proper.

- In the Remarks on pg. 6-7 of the Amendment, Applicant contends that newly added limitation "each of the plurality of buffers corresponding to a respective connection handle" differentiates claim 3 from Mikkonen. Applicant alleges that Mikkonen's disclosure of different applications arranged to utilize separate queues does not have any relevance to the noted flow label 24.
- The Examiner respectfully disagrees. Contrary to Applicant's assertion above, the disclosure of Mikkonen illustrating separate queues for different applications is clearly relevant to the flow label of a packet. The "flows" and associated flow labels disclosed in Mikkonen directly relate to the differing QoS levels allocated to data of differing applications (i.e. differing error probability, priority and response time necessary for audio, video, data and voice "applications"). Therefore, the cited disclosure meets the claim limitations and the rejections are proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B. Sefcheck whose telephone number is 571-272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory B Sefcheck/
Examiner, Art Unit 2619
6-25-2008